

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SUSAN DOHERTY and DWIGHT SIMONSON,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

THE HERTZ CORPORATION,
AMERICAN TRAFFIC SOLUTIONS, INC.,
and PLATEPASS LLC

Defendants.

Civil Action No. 1:10-cv-00359-NLH-KMW

**PLAINTIFFS' MOTION FOR PRELIMINARY
APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT**

AND NOW come the Plaintiffs, SUSAN DOHERTY and DWIGHT SIMONSON, acting through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 23(e), move this Court to enter an order preliminarily approving a proposed class action settlement, the terms and conditions of which are set forth in the Parties' Settlement Agreement and exhibits thereto (the "Agreement" or "Settlement Agreement") attached as Exhibit 1 to the accompanying Declaration of Steven Jaffe, Esquire. ("Jaffe Declaration")¹

In support of this motion Plaintiffs rely upon the accompanying Jaffe Declaration and memorandum of law in support of this motion, both of which are hereby incorporated by reference.

This motion is unopposed and assented to by Defendants The Hertz Corporation, American Traffic Solutions, Inc., and PlatePass LLC.

¹ Capitalized terms in this motion correspond in meaning to the definition of those terms in the Settlement Agreement.

WHEREFORE, Plaintiffs request that this Court enter a Preliminary Approval Order in the form attached as Exhibit D to the Settlement Agreement:

- (1) preliminarily approving the Settlement Agreement, as set forth in the Agreement (including all exhibits);
- (2) conditionally certifying for purposes of settlement the following “Class” (including “Class Members”):

All Persons in the United States who: (a) rented a car from Hertz between July 2006 and March 31, 2010; (b) used PlatePass during that rental; and (c) paid PlatePass service fees incurred during that rental, but not including those who file a Request for Exclusion, governmental entities, Defendants, their parents, subsidiaries, affiliates, directors, officers, attorneys, and members of their immediate families and the Court and persons within the third degree of relationship to the Court.

- (3) appointing Plaintiffs as representatives (“Class Representatives”) of the proposed Class, and undersigned Plaintiffs’ counsel as Class Counsel for the Class;
- (4) finding that the Settlement Agreement is sufficiently fair to warrant providing notice to the Class and approving the manner for providing Notice to the Class as set forth in the Agreement;
- (5) appointing Jeffrey Dahl of Dahl Administration as Settlement Administrator;
- (6) approving the proposed forms of notice attached to the Settlement Agreement and directing that notice be published and provided to potential Class Members in the means and manner set forth in the Agreement;
- (7) approving the proposed Claim Form attached to the Settlement Agreement;
- (8) setting deadlines for the submission of Claim Forms and Requests for Exclusion, as well as for the filing of objections;
- (9) scheduling a Fairness Hearing to consider the fairness, reasonableness, and adequacy of the Settlement Agreement and whether it should be finally approved by the Court, as well as applications for awards of attorneys fees, cost reimbursement, and Class Representative Service fees; and
- (10) enjoining Plaintiffs, all Class Members, and anyone who acts or purports to act on their behalf, from instituting, continuing, commencing or prosecuting any action against any of the Defendants which asserts claims that are to be settled in this

Settlement Agreement, including, without limiting the generality of the foregoing, claims in the Soper/Avis-Budget Action relating to Hertz rental transactions.

A proposed form of Order is submitted.

Date: May30, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on May 30, 2013, I electronically filed the foregoing document along with referenced Declaration with the Clerk of the Court using the CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or by U.S. Mail for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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